



PUBLIC NOTICE

Federal Communications Commission
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DA 09-1040
Released: May 8, 2009

COMMENTS INVITED ON APPLICATION OF COVAD COMMUNICATIONS COMPANY TO DISCONTINUE DOMESTIC TELECOMMUNICATIONS SERVICES

WC Docket No. 09-63
Comp. Pol. File No. 901

Comments Due: May 26, 2009

Section 214 Application

Applicant: Covad Communications Company

On **April 22, 2009**, **Covad Communications Company** (Covad or Applicant), located at **2220 O'Toole Avenue, San Jose, CA 95131**, filed an application with the Federal Communications Commission (FCC or Commission) requesting authority, under section 214 of the Communications Act of 1934, as amended, 47 U.S.C. § 214, and section 63.71 of the Commission's rules, 47 C.F.R. § 63.71, to discontinue the provision of certain domestic telecommunications services in Connecticut, Missouri, North Carolina, New York, Pennsylvania, Rhode Island, Texas and Virginia.¹

Covad indicates that it is a nationwide broadband provider that owns and operates a nationwide broadband network serving customers in 44 states. Covad states that it uses this network to offer DSL, T1, broadband wireless and voice optimized access, but that it plans to shut down 21 central offices in an effort to maintain its overall network in the most efficient manner possible. Covad indicates that these central offices support 41 direct end user customers and 54 wholesale carriers. Covad claims however that these central offices have remained stagnant in growth for some time. Accordingly, Covad indicates that it plans to discontinue the high speed data and Internet services provided through these central offices in Connecticut, Missouri, North Carolina, New York, Pennsylvania, Rhode Island, Texas and Virginia.² Covad states that the proposed discontinuance will impact a total of 463 circuits provisioned through its affected wholesale carrier customers. Covad asserts however that the proposed discontinuance will not result in harm to customers because competitive and incumbent local exchange carriers in the affected areas continue to provide high speed data and Internet service, and customers will have an opportunity to select alternative telecommunications carriers for their telecommunications needs. Covad indicates that it intends to discontinue the above mentioned services on June 10, 2009, or as soon thereafter as any necessary regulatory approvals are obtained. Covad states that on January 7, 2009 it provided e-mail notification which informed all affected customers of a proposed May 10, 2009 discontinuance date.

¹ This application was subsequently received in the Competition Policy Division of the Wireline Competition Bureau on May 5, 2009.

² Due to the nature of some of the services being discontinued, this application also has been placed in CC Docket No. 02-33 which relates to the discontinuance of common carrier broadband Internet access transmission services.

Covad further states that on April 21, 2009 and April 22, 2009, it informed customers of the revised June 10, 2009 proposed discontinuance date by first-class mail in accordance with the requirements of section 63.71 of the Commission's rules. Finally, Covad asserts that it is non-dominant with respect to affected services.

In accordance with section 63.71(c) of the Commission's rules, Covad's application will be deemed to be granted automatically on the 31st day after the release date of this public notice, unless the Commission notifies Covad that the grant will not be automatically effective. In Covad's application and further notice to its customers, Covad indicates that it anticipates discontinuing service on June 10, 2009. Accordingly, pursuant to section 63.71(c) and the terms of Covad's application and notice, absent further Commission action, Covad may terminate its provision of interstate high speed data and Internet services to the affected customers in Connecticut, Missouri, North Carolina, New York, Pennsylvania, Rhode Island, Texas and Virginia on or after **June 10, 2009**. The Commission normally will authorize proposed discontinuances of service unless it is shown that customers or other end users would be unable to receive service or a reasonable substitute from another carrier, or that the public convenience and necessity would be otherwise adversely affected.

This proceeding is considered a "permit but disclose" proceeding for purposes of the Commission's ex parte rules, 47 C.F.R. §§ 1.1200-1.1216. Comments objecting to this application must be filed with the Commission on or before **May 26, 2009**. Such comments should refer to **WC Docket No. 09-63 and Comp. Pol. File No. 901**. Comments should include specific information about the impact of this proposed discontinuance on the commenter, including any inability to acquire reasonable substitute service. Comments may be filed using the Commission's Electronic Comment Filing System (ECFS) or by filing paper copies. *See Electronic Filing of Documents in Rulemaking Proceedings*, 63 FR 24121 (1998). Comments filed through the ECFS can be sent as an electronic file via the Internet to <http://www.fcc.gov/cgb/ecfs/>. Filers should follow the instructions provided on the Web site for submitting comments. Generally, only one copy of an electronic submission must be filed. In completing the transmittal screen, filers should include their full name, U.S. Postal Service mailing address, and the applicable docket or rulemaking number. Parties may also submit an electronic comment by Internet e-mail. To get filing instructions for e-mail comments, filers should send an e-mail to ecfs@fcc.gov, and include the following words in the body of the message, "get form." A sample form and directions will be sent in response.

Parties who choose to file by paper must send an original and four copies of the comments to the Office of the Secretary, Federal Communications Commission, 445 12th Street, S.W., Room TW-A325, Washington, D.C. 20554. Filings can be sent by hand or messenger delivery, by commercial overnight courier, or by first-class or overnight U.S. Postal Service mail. All filings must be addressed to the Commission's Secretary, Office of the Secretary, Federal Communications Commission. The Commission's contractor will receive hand-delivered or messenger-delivered paper filings for the Commission's Secretary at 236 Massachusetts Avenue, N.E., Suite 110, Washington, D.C. 20002. The filing hours at this location are 8:00 a.m. to 7:00 p.m. All hand deliveries must be held together with rubber bands or fasteners. Any envelopes must be disposed of before entering the building. Commercial overnight mail (other than U.S. Postal Service Express Mail and Priority Mail) must be sent to 9300 East Hampton Drive, Capitol Heights, MD 20743. U.S. Postal Service first-class mail, Express, and Priority mail should be addressed to 445 12th Street, S.W., Washington, D.C. 20554.

Two copies of the comments should also be sent to the Competition Policy Division, Wireline Competition Bureau, Federal Communications Commission, 445 12th Street, S.W., Room 5-C140, Washington, D.C. 20554, Attention: Carmell Weathers. In addition, comments should be served upon the

Applicant. Commenters are also requested to fax their comments to the FCC at (202) 418-1413, Attention: Carmell Weathers.

The application will be available for public inspection and copying during regular business hours at the FCC Reference Center, Portals II, 445 12th Street, S.W., Room CY-A257, Washington, D.C. 20554, (202) 418-0270. A copy of the application may also be purchased from the Commission's duplicating contractor, Best Copy and Printing, Inc., 445 12th Street, S.W., Room CY-B402, Washington, D.C. 20554, telephone (202) 488-5300, facsimile (202) 488-5563, or via e-mail at FCC@BCPIWEB.COM. People with Disabilities: To request materials in accessible formats for people with disabilities (Braille, large print, electronic files, audio format), send an e-mail to fcc504@fcc.gov or call the Consumer & Governmental Affairs Bureau at (202) 418-0530 (voice), (202) 418-0432 (tty).

For further information, contact Carmell Weathers, (202) 418-2325 (voice), carmell.weathers@fcc.gov, or Rodney McDonald, (202) 418-7513 (voice), rodney.mcdonald@fcc.gov, of the Competition Policy Division, Wireline Competition Bureau. The tty number is (202) 418-0484. For further information on procedures regarding section 214 please visit http://www.fcc.gov/wcb/cpd/other_adjud.

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